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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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10/780,320

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Jack E. Caveney

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1108

32915

7590

01/06/2006

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LEGAL DEPARTMENT - TP12  
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EXAMINER

GABLER, PHILIP FRANCIS

ART UNIT

PAPER NUMBER

3637

DATE MAILED: 01/06/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

<b>Office Action Summary</b>	<b>Application No.</b> 10/780,320	<b>Applicant(s)</b> CAVENEY ET AL.	
	<b>Examiner</b> Philip Gabler	<b>Art Unit</b> 3637	

**-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --**

**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 17 February 2004.
- 2a) ☐ This action is **FINAL**.                      2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1-24 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-24 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 17 February 2004 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All    b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- |   |   |
|---|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)   | 4) <input type="checkbox"/> Interview Summary (PTO-413)<br>Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)  | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152)             |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)<br>Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____  |

## **DETAILED ACTION**

### ***Information Disclosure Statement***

1. The listing of a reference in the specification is not a proper information disclosure statement. 37 CFR 1.98(b) requires a list of all patents, publications, or other information submitted for consideration by the Office, and MPEP § 609.04(a) states, "the list may not be incorporated into the specification but must be submitted in a separate paper." Therefore, references only cited in the specification have not been considered.

### ***Claim Rejections - 35 USC § 112***

2. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

3. Claims 21 and 24 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

4. Claims 21 and 24 each recite the limitation "the proximate portion" in line 5 of each claim. There is insufficient antecedent basis for this limitation in the claim and it is unclear what portion is being referred to as "the proximate portion."

***Claim Rejections - 35 USC § 102***

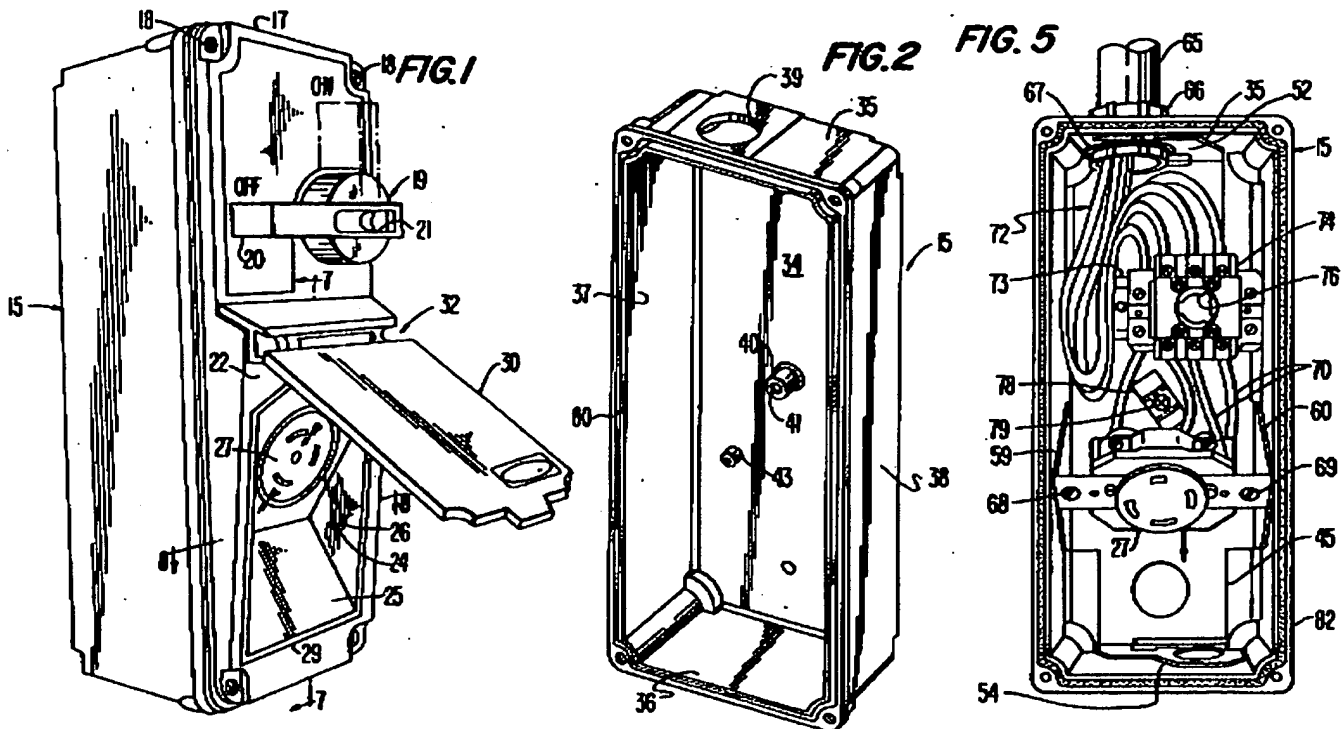
5. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

6. Claims 1 and 2 are rejected under 35 U.S.C. 102(b) as being anticipated by Ehrenfels (US Patent Number 5239129). Ehrenfels (Figures 1, 2, and 5) discloses a wall mountable cabinet comprising: a rear section (15 and 17) having a first end (top wall of 15) and a second end (bottom wall of 15), the rear section including a cutout area (39) adjacent the first end, wherein the cutout area allows access for cables to enter the cabinet; and a front section (30) hingedly connected to the rear section at a pivot point (32), wherein the cutout area is capable of allowing cables to rotate about the pivot point.

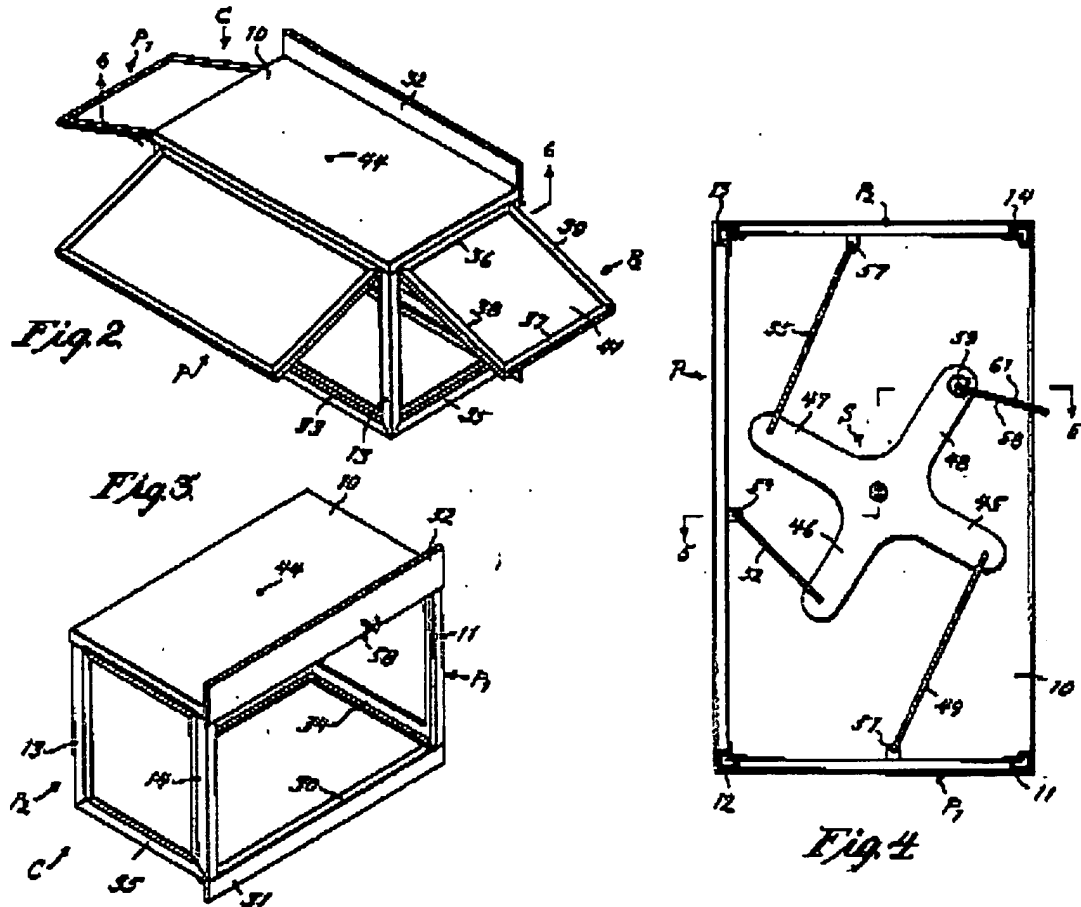
7. Regarding claim 2, Ehrenfels further discloses a duct (65) adjacent to the cutout area.



Ehrenfels '129 Figures 1, 2, and 5

8. Claims 1 and 3 are rejected under 35 U.S.C. 102(b) as being anticipated by Thiede et al. (US Patent Number 3006498). Thiede (Figures 2-4) discloses a wall mountable cabinet comprising: a rear section (10, 11, 14, 31, and 32) having a first end (rear of frame 11, 14, 31, 32) and a second end (front of frame 11, 14, 31, 32), the rear section including a cutout area (space defined by frame 11, 14, 31, 32) adjacent the first end, wherein the cutout area is capable of allowing access for cables to enter the cabinet; and a front section (P) hingedly connected to the rear section at a pivot point (front edge of 10), wherein the cutout area is capable of allowing cables to rotate about the pivot point.

9. Regarding claim 3, Thiede further discloses two side access panels (P1 and P2) hingedly connected to the front section (through mechanism S and links 49, 52, and 55).



Thiede et al. '498 Figures 2-4

10. Claims 1, 4, 6, 7, 9, 11, 14, 17, 19, 20, and 23 are rejected under 35 U.S.C. 102(b) as being anticipated by Hansson (US Patent Number 5568362). Hansson (Figures 1, 2, and 4) discloses a wall mountable cabinet comprising: a rear section (13) having a first end (25, 26) and a second end (the remainder of rear section 13), the rear section including a cutout area (20) adjacent the first end, wherein the cutout area is capable of allowing access for cables to enter the cabinet; and a front

section (10) hingedly connected to the rear section at a pivot point (28), wherein the cutout area is capable of allowing cables to rotate about the pivot point.

11. Regarding claim 4, Hansson further discloses a front door (12a) hingedly connected to the front section (see Figure 1), wherein the front door includes a transparent window (see column1 lines 64-65).

12. Regarding claim 6, Hansson further discloses a slack cable manager (viewed as A in Exhibit 1) secured to a rail (23) mounted therein.

13. Regarding claim 7, Hansson further discloses a patch panel (30) secured to a rail (15) mounted therein.

14. Regarding claim 9, Hansson further discloses active equipment (17, 19) secured to a rail (15) mounted therein (via panel 30).

15. Regarding claim 11, Hansson discloses a wall mountable cabinet comprising: a rear section (13) having a cutout area (20); and a front section (10) hingedly connected to the rear section (through hinge 28), the front section having a cable management ring (A) secured thereon, wherein when the cabinet is in a closed position, the cable management ring is vertically aligned with the cutout area.

16. Regarding claim 14, Hansson further discloses a front door (12a) hingedly connected to the front section (see Figure 1), wherein the front door includes a transparent window (see column 1 lines 64-65).

17. Regarding claim 17, Hansson further discloses a patch panel (30) secured to a rail (15) mounted therein.

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18. Regarding claim 19, Hansson further discloses active equipment (17, 19) secured to a rail (15) mounted therein (via panel 30).

19. Regarding claim 20, Hansson further discloses a first end (25, 26) and a second end (the remainder of rear section 13) of the rear section, the cutout area (20) being adjacent to the first end.

20. Regarding claim 23, Hansson further discloses the front section (10) hingedly connected to the rear section at a pivot point (28) adjacent to the cutout area and the first end of the rear section.

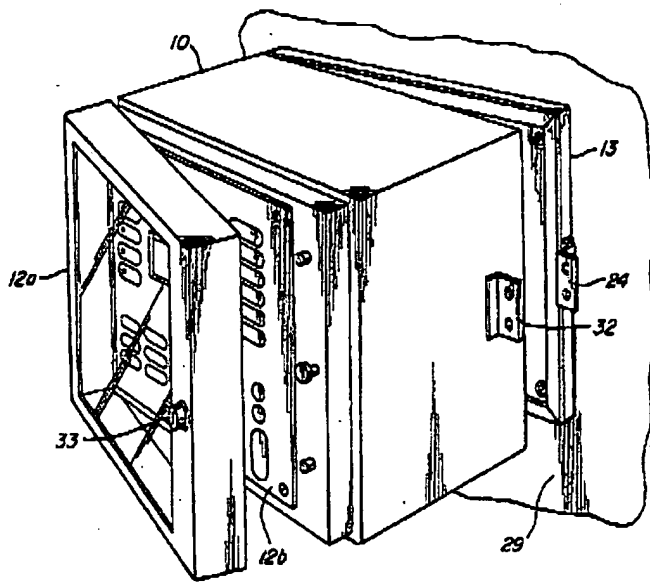


Fig. 1

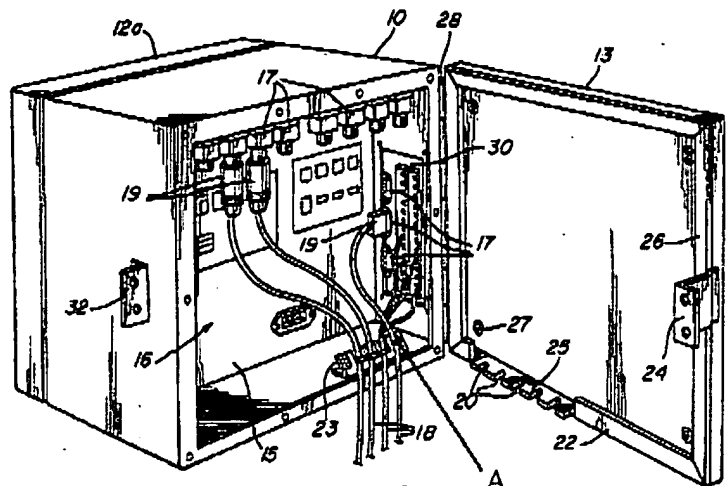


Fig. 2

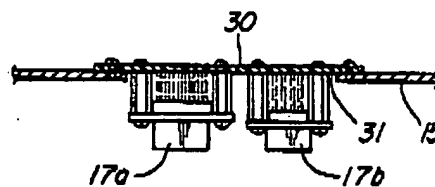


Fig. 4

Exhibit 1: Hansson '362 Figures 1, 2, and 4



***Claim Rejections - 35 USC § 103***

21. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

22. Claims 5 and 15 are rejected under 35 U.S.C. 103(a) as being unpatentable over Hansson in view of Nelson et al. (US Patent Number 6061966). Hansson discloses a wall mountable cabinet as recited in claims 1 and 11 but does not disclose a rod which maintains the front section in an open position. Nelson (Figure 17) discloses a cabinet comprising a rod (302) which maintains the front section (200) in an open position about 90 degrees from the rear section (308). Accordingly, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify Hansson's cabinet to include a rod to maintain the front section in an open position as taught by Nelson because this arrangement would facilitate access to Hansson's cabinet by providing a prop for the front section.

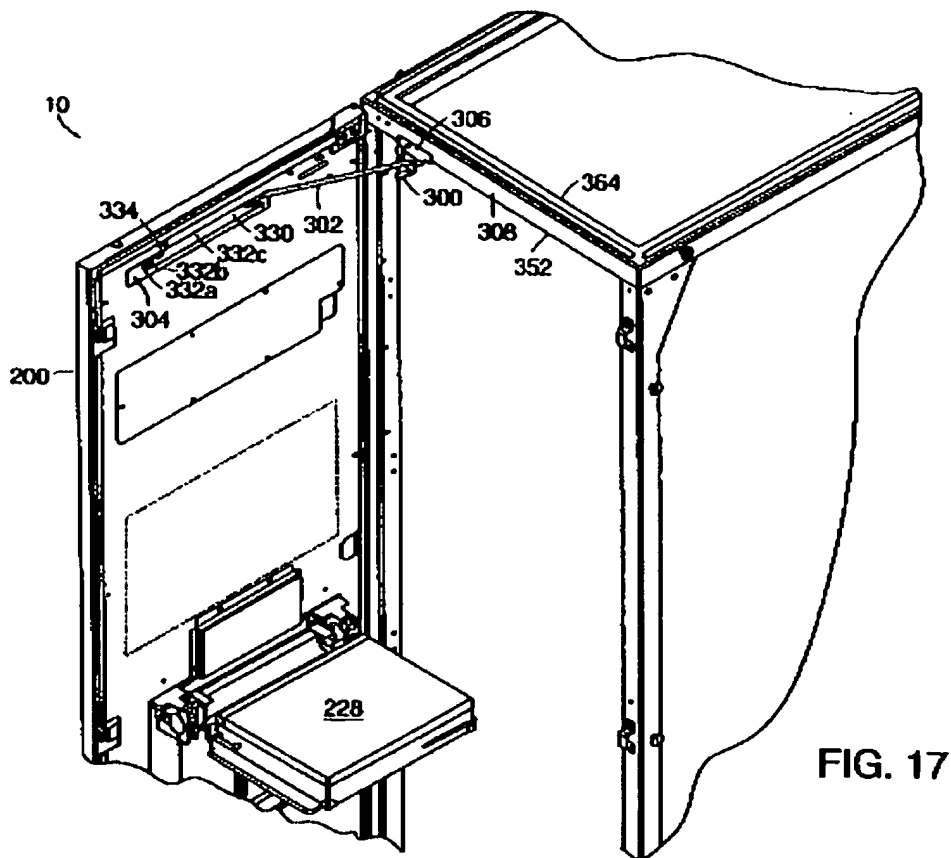


FIG. 17

Nelson et al. '966 Figure 17

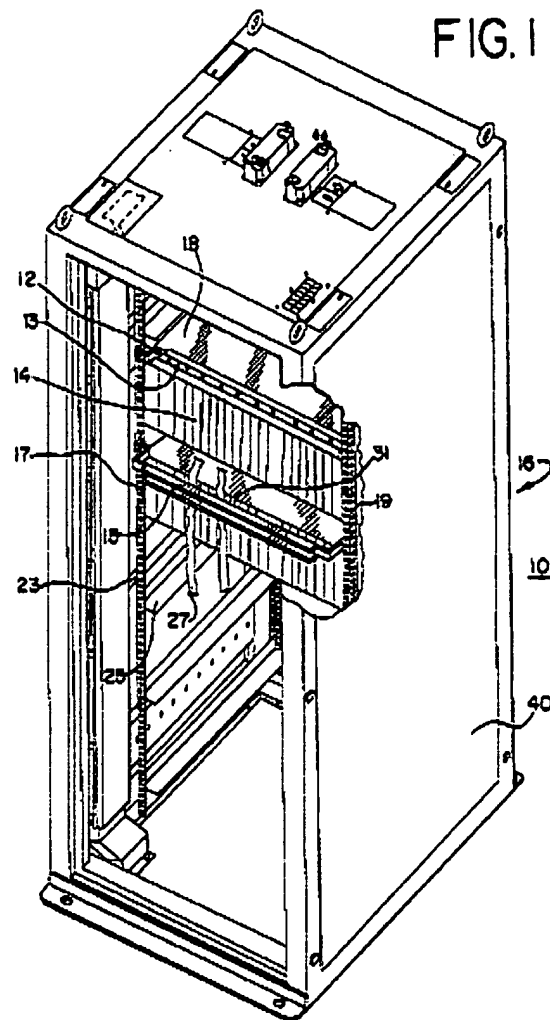
23. Claims 8, 10, 16, 18, and 22 are rejected under 35 U.S.C. 103(a) as being unpatentable over Hansson in view of English et al. (US Patent Number 6067233). Hansson discloses a wall mountable cabinet as recited in claims 1 and 11 but does not disclose a horizontal cable manager secured to a rail. English (Figure 1) discloses a bar (12) mounted to a rail (17) intended for both cable management use and mounting of electronic modules (see column 3 lines 59-62) and that is capable of supporting a slack cable manager, horizontal cable manager, patch panel or active equipment as is known in the art. Accordingly, it would have been obvious to one of ordinary skill in the

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art to modify Hansson's cabinet to include a cable manager or electronic component mount secured to a rail system as taught by English because this arrangement would provide more versatility to Hansson's cabinet while maintaining organization.

24. Regarding claims 10 and 22, Hansson discloses a wall mountable cabinet as recited in claims 4 and 14 but does not disclose an adjustable rail. English discloses a rail (12) that can be adjusted (via holes 23) to various positions within a cabinet (10).

Accordingly, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify Hansson's cabinet to include an adjustable rail as taught by English because this would allow greater flexibility as to what could be mounted in his cabinet.



English et al. '233 Figure 1

25. Claim 12 is rejected under 35 U.S.C. 103(a) as being unpatentable over Hansson in view of Ehrenfels. Hansson discloses a wall mountable cabinet as recited in claim 11 but does not disclose a duct positioned adjacent the cutout area. Ehrenfels discloses a wall mountable cabinet with a duct (65) adjacent to a cutout area (39). Accordingly, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify Hansson's cabinet to include a duct positioned adjacent to the cutout

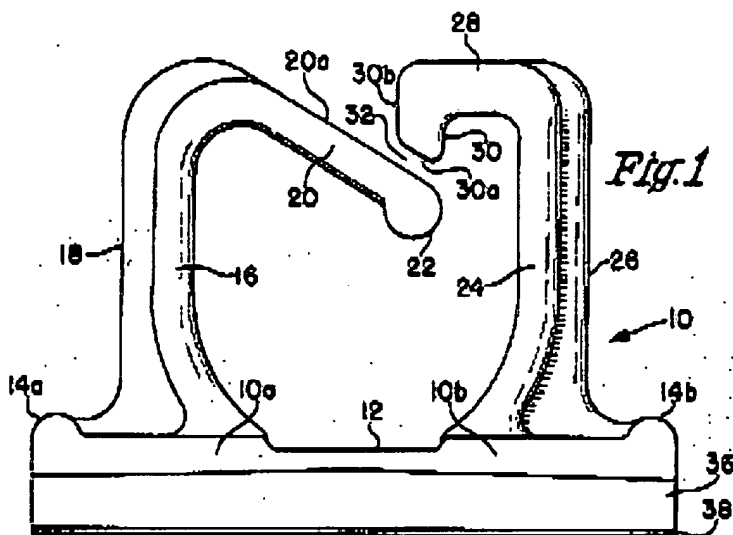
area as taught by Ehrenfels because this arrangement would protect cables routed through the cutout area.

26. Claim 13 is rejected under 35 U.S.C. 103(a) as being unpatentable over Hansson in view of Thiede. Hansson discloses a wall mountable cabinet as recited in claim 11 but does not disclose two side access panels. Thiede discloses a wall mountable cabinet with two side access panels (P1 and P2) hingedly connected to a front section (P through mechanism S and links 49, 52, and 55). Accordingly, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify Hansson's cabinet to include two side access panels as taught by Thiede because this arrangement would greatly increase access to the interior of Hansson's cabinet.

27. Claims 21 and 24, as best understood, are rejected under 35 U.S.C. 103(a) as being unpatentable over Hansson in view of Erickson (US Patent Number 3659319). Hanson discloses a wall mountable cabinet as recited in claim 11 but does not disclose a cable management ring with substantially L-shaped arms. Erickson (Figure 1) discloses a wire management clip with first (16 and 20) and second (24 and 28) substantially L-shaped arms having distal portions (20 and 28) oriented substantially 90 degrees from substantially linear portions (16 and 24), wherein the arms are formed of a material and construction capable of providing rotation (i.e. plastic; see column 2 lines 17-18) about the axis of their linear portions. Accordingly, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify Hansson's cable management ring to include substantially L-shaped arms as taught by Erickson

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because this arrangement would make securing and removing cables from the ring more efficient.



Erickson '319 Figure 1

### Conclusion

28. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. The Hathcock et al. reference (US Patent Number 6613981) is cited for disclosing a cable management ring system. The Nicolai (US Patent Number 6155660) and Eardley et al. (US Patent Number 6170928) references are cited for disclosing various electrical cabinet structures. The Schaffer et al. (US Patent Number 5933563) and Carlson, Jr. et al. (US Patent Number 6019321) references are cited for disclosing various cable management schemes within enclosures.


Any inquiry concerning this communication or earlier communications from the examiner should be directed to Philip Gabler whose telephone number is (571) 272-

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6038. The examiner can normally be reached on Monday through Friday, 8:30 AM to 5:00 PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Lanna Mai can be reached on (571) 272-6867. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

PFG   
12/28/2005

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